

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : William Shaw
Serial No. : 10/762,816
Filed : January 22, 2004
Title : MEDICAL DEVICES

Art Unit : 3774
Examiner : Alvin J. Stewart
Conf. No. : 6207

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the action dated October 21, 2009, finally rejecting claims 19-25, 33, 36-40 and 52-57.

A petition for an extension of time under 37 CFR §1.136 to extend the time to respond to the final rejection for 3 month(s) to and including April 21, 2010 was previously filed.

During a telephone call on April 21, 2010, Supervisory Examiner Isabella stated that a notice of allowance was counted for this case on April 12, 2010 and that there was a delay in mailing the Notice of Allowance. Therefore, we plan to request a refund for the Notice of Appeal fee in due course. Supervisory Examiner Isabella stated that the fee would be refunded.

Please apply \$540 for the appeal fee and any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: April 21, 2010

/Geoffrey P. Shipsides, Reg. No. 55,617/
Geoffrey P. Shipsides
Reg. No. 55,617

Customer Number 26161
Fish & Richardson P.C.
Telephone: (612) 335-5070
Facsimile: (877) 769-7945

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: April 21, 2010